

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA


DAVID SWIFT,)	
)	
Petitioner,)	
)	
v.)	1:04CV578
)	Cr-89-235-01-G
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

J U D G M E N T

On February 3, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that petitioner's motion to modify term of imprisonment (docket no. 100) is denied, that this action is dismissed, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.


United States District Judge

March 23, 2006